

Quid Novi

VOL. IX NO.23

McGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT DE L'UNIVERSITE MCGILL

April 4, 1989
le 4 avril, 1989

Ode to Legal Aid Students

by Silvana Conte, LL.B IV

Just a little note to say,
We hope you have a very nice day.
This work can be so demanding,
Requiring patience and understanding.

At Casa d'Italia, the phone's been ringing off the hook,
Clients demanding justice from the holy book.
We quote the scriptures as best we can,
Legal aid students eager to help our fellow man.

The problems here are mostly restricted,
To landlords wishing to have tenants evicted,
Consumer frauds and very bizarre cases
Of family disputes and police car chases,

Illegal aliens trying not to get caught,
Convincing clients that judges just cannot be bought.

Mariella, my partner is handling things well,

Smiling and nodding and saying "Pray do tell",
Her patience is tried, I know, she wants to yell
And at 12:00 she'll run from here like a bat out of hell.

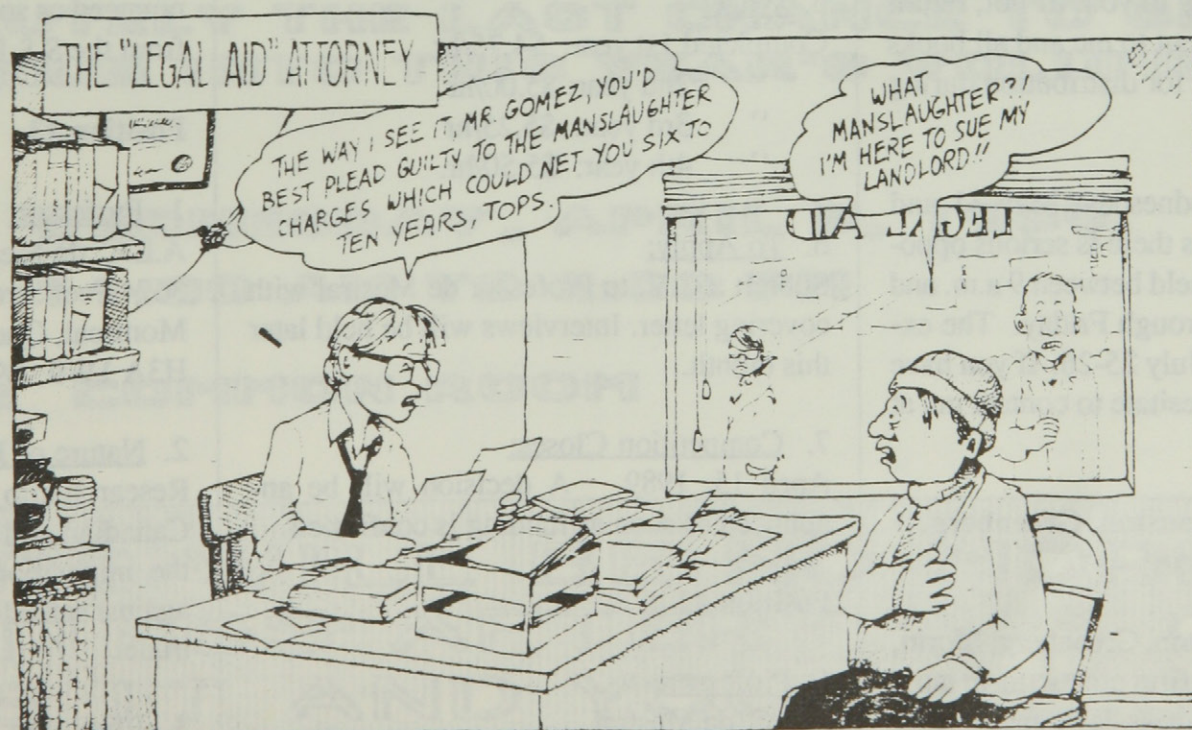
As for myself, you know how I thrive
On petty details worthy of Saturday Night Live.
Separating fact from fiction is truly a test,
Sort of like a Foundation's exam question - oops, I only jest.

But we will never forget
All the nice people we met.
A valuable experience we do not regret
Thank-you, Yves-Marie Morissette.

Quote of the Week

Prof. Brierley in Successions:

"Now you might want to be careful with this book by Jarman. Because, although he wrote this big book on wills, he died *ab intestate*."



ANNOUNCEMENTS

Term II Examinations

Term II Examination Schedules

Winter Term Examination Schedules are now available at the Student Affairs Office.

Examination Numbers

All examinations are written by an examination number; these are now available at the Student Affairs Office.

Deadline for Submission of Essays and Term Papers

Please note that all essays and term papers are due at the Student Affairs Office by Friday, April 7, 5:00 p.m.

Extensions are not granted without prior permission from the Associate Dean.

Bar-BRI Brief

Book Distribution cards have now been sent out to all students registered in the summer bar review program. If you have received your card, you can pay the amount owing indicated on the card plus \$20 U.S. for postage if you want your books sent directly to you. If not, return the card with the payment to me and all books will be delivered to me for distribution during the last week of April.

The course begins Wednesday, May 31 and ends on July 12. Unless there is serious opposition, lectures will be held between 9 a.m. and 12:30 p.m., Monday through Friday. The exams itself is written on July 25-26. If you have any questions, do not hesitate to contact me at 989-1529.

**Soloway, Wright, Houston, Greenberg,
Morin**

Soloway, Wright, Houston, Greenberg, Morin, Ottawa's second largest firm practicing in most areas of the law: business law, real estate, litigation and administrative law will be conducting interviews for articling positions for

1990-91 on Thursday, April 6.

All students interested in meeting with their representative and two of their present articling students should bring their C.V. to Sharon Kuzminski, Admissions Office, and schedule an interview appointment before Wednesday, April 5.

Summer Research Positions Available

Position #1

1. Professor:
A.L.C. de Mestral
3674 Peel Street
Montreal, Quebec
H3A 1W9 398-6643

2. Nature of Job:
Research in Quebec law arbitration.

3. Eligibility:
The applicant should preferably have taken Resolution of International Disputes.

4. Number of Weeks:
10 weeks commencing beginning of May or soon thereafter.

5. Wage:
Completed 1st year: \$4.75/hr
" 2nd year: \$5.00/hr
" 3rd year: \$5.25/hr
" 4th year: \$5.50/hr.

6. To Apply:
Submit a C.V. to Professor de Mestral with covering letter. Interviews will be held later this month.

7. Competition Closes:
April 15, 1989. A decision will be announced as soon as funding is confirmed.

Position #2

1. Professor:
A.L.C. de Mestral
3674 Peel Street
Montreal, Quebec

H3A 1W9 398-6643

2. Nature of Job:

Research into the economic literature justifying countervailing duties against governmental subsidies having the effect of lowering the price of goods trading internationally.

3. Eligibility:

The applicant should have the equivalent of first-year master's in economics with some specialty in the field of international economics.

4. Number of weeks:

At least 16 weeks, possible up to six months.

5. Wage:

Between \$7.00 to \$10.00 per hour according to experience.

6. To Apply:

Submit a C.V. to Professor de Mestral with covering letter. Interviews will be held later this month.

7. Competition Closes:

April 15, 1989. A decision will be announced as soon as funding is confirmed from the S.S.H.R.C.

Position #3

1. Professor:
A.L.C. de Mestral
3674 Peel Street
Montreal, Quebec
H3A 1W9 398-6643

2. Nature of Job:

Research into the international rules and Canadian and American rules governing the imposition of countervailing duties against subsidized goods in international trade.

3. Eligibility

The applicant should have some back-

cont'd on p. 4

Editorial:

Let's talk, talk, talk, ...

by Phillip R. Pike, B.C.L. III

Communication telecommunication.... ah, yes, these are the buzz words of the eighties. Ours, which is the ultimate consumer society, has turned its voracious appetite to devouring all that communicates. (Or as Noam Chomsky would explain it - the corporate mega marketing-media complex has "trained" us to believe that we need to consume everything that our corporate Megatrons churn out.)

Thanks to this boom in telecommunication gadgetry we can all be permanently wired for communication; we can all constantly be in touch with each other. To this writer's mind,

however, the world is slightly out of wack. The question we need to ask in this case (as in all cases of consumer-overkill) is: do we really need all this communication? And perhaps more importantly, is it really communication or simply talk?

I elaborate. Do we really need people careening down the 401 at 140 km/h with cellular phone in one hand and note pad in the other (and God knows which hand the steering wheel is in)? Do we really need call-waiting, call forwarding and automatic interface redial coagulation? Pretty soon Ma Bell will be offering us call backing, call stacking and call sideway-

sing; We won't know what to do with our calls any more - we will be so busy positioning our incoming calls (i.e. forward, backward, waiting etc.) that we won't have time to deal with our present call. (This scribe has it on good authority that the New York State Telephone Co. now offers its customers Call Blocking: someone out there that you don't particularly want to talk to, just enter that person's telephone number into your phone. If they try and call you they get a busy signal — now there's a big boon to communication for you.) Add to all of this, machines with Yasser Arafat and Ronald Reagan sound-alikes answering, and fax-machines and you begin to get an idea of

cont'd on p. 5

YEARBOOK GRADUATION PHOTOS

**ABSOLUTELY THE LAST CHANCE TO GET
YOUR MUG INTO THIS YEAR'S VOLUME**

DATE: WEDNESDAY, APRIL 5, 1989.

TIME: 11:00 AM TO 2:00 PM

PLACE: COMMON ROOM

**THERE WILL BE NO MORE
SITTINGS AFTER THIS ONE;
MISS IT AND YOU ARE OUT
OF LUCK!!!!!!**

Quid Novi is published weekly by students at the Faculty of Law of McGill University, 3644 Peel Street, Montreal, H3A 1W9. Production is made possible by support of the Dean's office and by direct funding from the students. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.

Editor-in-chief Jeanne
Rédactrice-en-chef Cadorette

Associate Editor Ron
Rédacteur adjoint Lauenstein

English Editor Dan
Rédacteur anglais Urbas

French Editor
Rédactrice française

Production Manager Alessandra
Directeur de gestion Massobrio

Treasurer Normand
Trésorier Perreault

Contributors
Participants Ali Argun
 Patricia Armstrong
 Colin Baxter
 François Cossette
 Anthony Fata
 Pierre Larouche
 Mayo Moran
 Phillip Pike

Quid Novi est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel, Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discrétion du comité de rédaction et doit indiquer l'auteur où son origine.

Calendar of Events

April 5 12h00 Room 202
Faculty Workshop: Martin Boodman
"Coming to Terms with Article 1999(1) C.C.L.C."
[N.B. : Note change of date]

April 5 12h00 Common Room
LSR / AFCS Final General Meeting

April 10 8h00 Moot Court, Rooms 101 and 102, Common Room
Law & You Seminars
"Raising Risk Capital"
Sponsored by McGill Faculty of Law and Montreal Chamber of Commerce

April 14 12h00 Room 202
Legal Theory Workshop:
Marc Gaudry (Montreal)

Biomedicine:
Hostility Boosts Risk of Heart Trouble
from *Science News* Vol. 135, no. 4 (1989)

April 21 12h00 Room 202
Legal Theory Workshop:
Norman Fischer (Kent State)

Announcements cont'd from p. 2

ground in international law and the law of international trade and preferably some knowledge of international economics.

4. Number of Weeks:
At least 16 weeks, possibly up to six months.

5. Wage:
Between \$7.00 to \$10.00 per hour according to experience.

6. To Apply:
Submit a C.V. to Professor de Mestral with covering letter. Interviews will be held later this month.

7. Competition Closes:
April 15, 1989. A decision will be announced as soon as funding is confirmed from the S.S.H.R.C.

Matching Program for the 1990-91 Term

At matching program is being implemented for the recruitment of articling students by firms in Toronto and Vancouver for the 1990-91 articling term. Students who are considering applying or have applied for such articling positions should submit a REQUEST FOR

STUDENT AGREEMENT form. These forms are now available in the Admission Placement office, room 14a.

Lawyers for Social Responsibility / Les Avocats en faveur d'une conscience sociale

LSR / AFCS tiendront leur réunion finale le mercredi 5 avril à midi dans la "Common Room". Les élections au conseil exécutif pour l'année 1989-1990 auront lieu à cette réunion. Bienvenu à tous!

Social Committee 1988-89
"Of Hangovers and Good Times..."

I wish to express my sincere thanks to all of you who contributed time and effort to ensure the grand success of our numerous social events. From last April's Year End Party to the Dean's Reception through to last week's final Happy House Coffee Hour, your help and participation resulted in a most active and enjoyable social calendar. Thanks again, and let the good times roll.

Yours truly,
Dimitri Mastrocola,
Social Coordinator.

Biomedicine:

Hostility Boosts Risk of Heart Trouble

from *Science News* Vol. 135, no. 4 (1989)

Anger, mistrust and aggression may be what it takes to get ahead on Wall Street, but research suggests it may be a ticket to an early death. Studies by Redford B. Williams Jr. of the Duke University Medical Center in Durham, N.C., and his colleagues suggest that high scores on a psychological test designed to measure hostility predict heart disease. High hostility scores also boost the risk of death from all causes, Williams finds.

His evidence is culled from several studies, including one that looked at 255 male physicians. The researchers found that doctors who had scored higher on a hostility test given during medical school were more likely to die during the 25-year follow-up period than were their more relaxed peers. Only 2 percent of physicians with low or average hostility scores died, while 14 percent of doctors with above-average hostility died during the same period.

A study of lawyers echoed those findings. Lawyers with the lowest hostility scores in law school had a mortality rate of about 4 percent, while 20 percent of those with the highest scores died during a 25-year follow-up study.

Many researchers in the 1970s believed that "Type A" behavior, characterized by hard-driving aggression and impatience, was a predictor of heart disease. But the theory has been challenged by a number of studies that failed to show a link between Type A personality and heart disease.

Williams believes hostility is the crucial component of the Type A personality and a potent predictor of heart trouble. Hostile people are more likely to meet daily challenges with large increases in blood pressure. Situations that annoy the average person may produce sharp increases in blood pressure and a surge of adrenaline in the hostile Type

A person. Over the years the hostile Type A individual may be placing a heavy burden on his or her cardiovascular system, Williams says.

Williams' advice to lawyers, doctors and other hard-driving types: Get rid of the anger and mistrust. People who trust others, he says, are more likely to live longer than the cynics of the world.

SMART & BIGGAR
Barristers & Solicitors — Patent & Trade Mark Agents
Practice Restricted to Patents, Trade Marks, Designs,
Copyright and Related Causes

OTTAWA
P.O. Box 2999, Station D
55 Metcalfe Street, Suite 900
Ottawa, Ontario, Canada
K1P 5Y6
Telephone: (613) 232-2486
Telex: 053-3731
Facsimile: (613) 232-8440

TORONTO
439 University Avenue
Suite 2300
Toronto, Ontario, Canada
M5G 1Y8
Telephone: (416) 593-5514
Telex: 06-219581
Facsimile: (416) 591-1690

Lets' talk...
cont'd from p. 3

the bizarre world of communication out there. Do we really need all of this communication. I suspect not. The problem with all of this supposed communication is that it isn't really communication at all — it's talk. It's people talking at each other through electronic gizmos, it's people keeping up to date on the latest twitch of the stock market, it's real estate agents confirming that oh-so-important appointment. It's people overdosing on information, trading information at a head-spinning rate. Where is all this leading us?

Psychologists are already starting to develop treatments for what they predict will be the mental disease of the nineties — information overload and its corollary, the inability-to-make-decisions-syndrome. Example: a researcher was sent to find out how many options were available on the average Chevrolet family-size car. The result — there are over 5000 possible combinations and permutations of options. Five thousand. Faced with this staggering overflow of information and choices, psychologists see a trend whereby people are becoming increasingly incapable of making a choice. They are paralysed by the range of choice and their paralysis is fuelled by the fear of not having all the latest

cont'd on p. 10

Bar/Bri - New York Bar Review Program

Quebec, Ontario and British Columbia define only the limits of your imagination, not the possibilities available to you as a law school graduate. Alternatives do exist outside of Canada, and New York is one of the more attractive of these. Bar/Bri offers the most extensive of all the bar preparatory courses in New York, as well as offering preparatory courses for bar exams in most other states.

Being a member of the New York Bar also has attractive advantages for the student who is not necessarily interested in practicing law, either in Canada or in the States. If you are considering working abroad, being a member of the New York Bar carries considerable weight with overseas companies.

All those interested in either writing the New York Bar, or simply in obtaining more information, are asked to contact Joani Tannenbaum at 989-1529 for details.

OPINION:

The Second Language Requirement

by Glenn McDonald, LL.B II

I. Defining the Issue

Before we speak of problems of access to legal education in Quebec, of discrimination against natives and first generation immigrants, we must have a frame of reference within which we can assess the relative importance of these various interests. It is submitted that the question is simply this: is the second language requirement justified in terms of the kind of education which McGill seeks to provide?

II The Objectives of Legal Education at McGill

Our enquiry shall be narrowly circumscribed: to evaluate the utility of the second language requirement in terms of the programs which McGill presently offers. Since the requirement as it applies to francophones is not controversial, we will examine its impact on anglophones and allophones only.

i) B.C.L.

Three distinct objectives can be identified with the McGill B.C.L. program. The first of these is the teaching of the civil law. It seems clear that in order to gain a good understanding of the civil law one must be able to read French, the language of its primary sources.

A second objective is the preparation of students to practice law in Quebec. Students now face linguistic as well as academic hurdles in this regard. Bar school is in French. Students must also pass a French competency test which assesses all aspects of language competency, including speech comprehension and speaking. Arguable, these considerations are irrelevant: Lawyers practicing in Quebec today who lack basic competence in French are severely handicapped. It is thus apparent that law students intending to practice in Quebec have an interest in working on their French if it is weak. It is not clear however that they should be

required to do this.

We can identify a third aspect of the B.C.L. program which is specific to McGill. McGill is the only law faculty in Canada (and one of the few in the world) which offers an opportunity to study the civil law in English. It could be argued that the adoption of the second language requirement would jeopardize this. It is quite possible that some English language course sections would be sacrificed as a consequence of implementing the requirement, yet it is inconceivable that there could be a serious impairment of the English civil law option. First, the numbers (nine second language credits for a 95 credit B.C.L. program) do not lean that way. Secondly, it is clear that the future of English civil law instruction at McGill is an entirely distinct issue. Common theories notwithstanding, the issue does not appear relevant to the current debate.

ii) The National Program

The preceding comments concerning the B.C.L. degree also apply in large measure to the National Program. In more general terms, we could say that the National Program seeks to promote an understanding of Canada's dual nature. This obviously entails an appreciation of the two legal systems and also, it may be argued, of the two languages in which these traditions find their principal expression. In this light, the exposure of anglophone students to French appears desirable.

An important aspect of the National Program is undoubtedly the participation of students from all regions of Canada. Yet, a second language requirement may be seen as threatening this attribute of the program. We will consider this in the last section of the article.

iii) LL.B.

Everyone would probably agree that the main objectives of the McGill LL.B. degree include teaching the common law and preparing students to practice in common law

jurisdictions. Yet, what of the 11 credit civil law component? Do we consider this aspect of the LL.B. degree equally important? If not, in other words we see the civil law requirement as peripheral to the LL. B program, the French seems less important.

One may argue that indirect educational benefits (the value of knowing a second language) and employment advantages (increasingly significant with the expansion of French language services in common law jurisdictions militate in favour of some form of French requirement; yet these are not integral to the main objectives of the LL.B. program. They certainly would not seem to justify a French language requirement the equal of that of the B.C.L. and National programs.

III Means

From the preceding section we may conclude that a certain minimum competence in French is indispensable to the objectives of both the B.C.L. and National programs (although probably not to those of the LL.B. program). It would appear that the minimum level of French competency necessary to sustain the *current* curriculum would be reading ability. This in fact is the current admission requirement; yet, this requirement does not reflect the reality of the Faculty. Current demand for French language sections is inordinately low since many students don't understand French. Those who do understand French do not enjoy the choice of French language sections they might otherwise have.

The second language requirement appears to resolve the preceding problems. First, it will make some improvement in French language course offerings possible. Second and more importantly, it will ensure that minimum French competency is attained. Note that the second language requirement does not go much beyond current admission standards.

cont'd on p.

Taking Full Advantage of McGill

by Colin Baxter, B.C.L. III - Student Member of Admissions Committee

I am led to offer these observations on the current Curriculum Proposal for a "Second Language Requirement" by the comment of a fellow student at the recent Dean's Hot Seat. Everyone present was discussing the state of bilingualism at the faculty, and the Dean recounted the story of several franco-phone graduates of past years who had never taken a class in their second language during their years at McGill. Someone asked the Dean "Is that so wrong?" All present were careful to say "No, of course not, that's OK - To each his own" etc....

It is certainly not technically "wrong", but it is short-sighted and even somewhat sad. McGill offers a relatively special product in legal education, and we would be foolish (both English and French) not to take advantage of it. There is at present no obligation to take advantage of McGill's bilingualism, and the language requirement would be a step in that direction.

I would argue that it is "wrong", at least in a qualified amoral sense, not to take advantage of what McGill offers. There are 14 other schools which offer the LL.B degree in English, and 5 schools which offer the B.C.L. degree in French, and then there's McGill. We are offered something that is, and ought to be seen as, unique. The admissions committee, which narrows down the roughly 1600 applications to an entering class of just over 130, is forced to make hard choices between some very well-qualified people... but choose it does. To the extent that we, as students, don't take advantage of the bilingual/bijuridical aspects of McGill, we waste an opportunity that at least ten of our peers - those who were refused admission when we were accepted - would gladly have exploited to the fullest. To come to McGill and then go out of one's way to avoid contact with the "second" culture, whichever that may be, is to miss the boat.

As is conceded by the Curriculum Committee in the second language proposal, it is really

anglophones who are being asked to expose themselves to a second language. Franco-phones, by the very nature of McGill, are exposed to English at every turn. We would do well to support this proposal.

We anglophones ought to view it as a wonderful chance to learn and/or improve our French, as a bonus and a richness of McGill, not as an imposition. To live and work in Quebec, or elsewhere in Canada in most any national capacity, we will require at least a minimal competence in French. Moreover, an adequate appreciation of French culture can only come to us by being exposed to it, not by remaining staunchly separate.

I heard recently the sad story of a graduating National Program student who smugly brags about never having read a case in French during his four years here. Are we meant to congratulate him? What a tragic waste, to have so completely missed the point of McGill. I am sure that the ten people who were refused when he was admitted would have made better use of his opportunity.

Fellow Graduates, this is what we have to look forward to...



McGill Law Journal/Revue de droit de McGill

by the Associate Board

First and Second Year students, think about applying to the McGill Law Journal now / Etudiant(e)s de première et deuxième année, songez à poser votre candidature à la Revue de droit de McGill dès aujourd'hui.

Cher ami, chère amie,

L'année prochaine, il te sera loisible de poser ta candidature pour devenir membre du comité adjoint de la **Revue de droit de McGill** et nous t'encourageons vivement à le faire. Le but de cette lettre est de t'exposer les points saillants de la **Revue** et les avantages qu'on retire en y travaillant.

The **McGill Law Journal** is a bilingual, bi-juridical publication whose primary objectives are to assist in the scholarly study of law, to promote research and understanding of the Civil Law and Common Law systems, and to provide a forum for critical analysis of both private and public law issues. The **Journal** is published quarterly by its student Board of Editors.

La possibilité de développer à fond ses aptitudes de recherche juridique revient fréquemment parmi les avantages de travailler à la **Revue**. Par recherche on n'entend pas seulement faire le rat de bibliothèque et fouiller la nôtre de fond en comble afin de trouver un ouvrage cité par l'auteur qu'on évalue, mais aussi (et surtout) faire l'analyse critique de la pertinence des passages cités, ou bien vérifier que l'auteur ne contredise pas une nouvelle loi en citant un ancien texte législatif comme base de son argumentation.

Bref, quand deux étudiantes travaillent à la rédaction d'un article, elles collaborent fébrilement à le rendre publiable et à le rendre "utilisable" par nos lecteurs. Ces juges, avocat(e)s ou étudiant(e)s comptent sur la justesse des arguments supportant les propos avancés dans la **Revue** pour leur travail ou leur documentation personnelle. Notre précision est donc notre "marque de

commerce". Sachez aussi que nous avons des échéanciers à respecter avec nos auteurs, des factures à préparer et des comptes à recevoir, des politiques administratives à élaborer: bref, nous sommes une véritable PME avec un budget de \$90,000.

Contrary to popular belief, being a member of the **Journal** is not all work and no play. We do take the time to make it an enjoyable experience. For example, bi-annually, we host pot-luck suppers where our critical skills are focused on each other's gastronomic creations. Furthermore, our managing editor has been known to spring for beer and pizza in crisis situations (i.e. on election night). However, the real enjoyment one gets out of the **Journal** comes from getting

to know and working closely with 45 other law students, many of whom will become your good friends.

If you are interested in finding out more about the kind of work we do, it is possible over the summer to evaluate articles for publications. It also serves as good practice for the evaluation which you will be asked to do as part of the application procedure in September. However, in order to ensure fairness and equal treatment to all candidates, summer evaluations will not form part of the application procedure and will not prejudice in any way those who are unable to do them. Should you be interested in summer evaluations, please leave your name and phone number at the **Journal** office.

Ode to Jane Glenn

by Judy Knight, B.C.L. II

There once was a Property prof -
To her our hats we must doff -
She handled our criticism,
Our civilian cynicism,
With good humour and nary a scoff.

She always was "touched and concerned"
When for absolute ownership we yearned;
As we threw up our hands
At those Lost Modern Grants
Of reversions and re-entries we learned.

She took us on maddening forays
To 1290 and Quia Emptores.
She did give us easements,
As mild appeasements,
And soothed us with Bear Shinbone stories.

If X grants to A one more time -
We thought we'd go out of our minds.
Our brains were all seisin,
From rules with no reason -

That remainder - will it ever be mine?

Will ever we see Leicester Square
Without burdens and benefits there?
And we will do penance
At the thought of joint tenants,
Let's forget them - our license is bare!

Those incidents, feoffments and uses,
Those tenures, which all did confuse us;
Was it *malum in se*,
At the end of a day
To think Common Law Property abused us?

And then came the day we were tested -
Those cases just never had vested!
Now, springing and shifting,
Through summaries sifting,
Our mistakes in perpetuity rested!

But someday - we do not know when,
As we're drafting our wills with a pen,
On estates riparian
As octogenarians,
We'll smile as we think of Jane Glenn.

In response to Dan Urbas' "Skit Nite A Brilliant Success..."

By **Jacque Weber, LL.B III**

Perhaps I am naive to believe to that law students should realize the destructive power of the written word. When racist connotations hide behind so-called "humour" they offend not only those about whom they are written, but serve to reinforce a very sorry view of society that we, as "enlightened" law students should reject.

Those who performed in skit night were not concerned about their "briefs", but about helping those less fortunate than ourselves and having a good time while doing so. But, I feel cheated Dan Urbas, and rightly so! I was an "unwilling participant" in your joke! I was incredibly fortunate to have the opportunity to perform with someone who is a talented professional, devoted to perfection. These qualities were sadly lacking in your comments about the mismatched "partnership" in *Endless Love*. Even a rank amateur

would have taken the time to walk across the hall to ask me how to spell my name correctly!

Finally, when you spoke on behalf of the audience, citing its "disapproval of the match" did you based your observations on the results of a survey? In the absence of substantiation, your remarks suggest that those who showed appreciation for the performance were being hypocritical and, in your own words, "detract from the overall success of Skit Night 1989".

The Second Language Requirements cont'd from p. 6

Students would be expected to understand spoken as well as written French. The current policy permitting students to do their assignments and write their exams in either French or English would remain in effect. There is no question, in other words, of requiring students to be bilingual. The abil-

ity to understand a foreign language is more easily acquired than the ability to speak or write that language. The level of French the second language proposal requires occupies a middle ground between the minimal knowledge some students might possess on arriving and the more complete command of the language demanded by the professional competency test. It may be seen, in other words, as a reasonable half-way house.

Yet, before we accept the second language requirement, we must consider its incidental effects. These may be such that they tip the scales against adopting it.

For instance, will the proposal effectively impair the access of Quebec anglophones to a legal education in Quebec? Clearly, it will impair the access of those applicants who neither have sufficient French, nor demonstrate the willingness to acquire it — which is precisely the group the present admissions policy purports to deny access to.

We must also consider whether the second language requirement would effectively discriminate against natives, first generation immigrants, and anglophone students from outside Quebec, many of whom may have

cont'd on p. 10

McGill University Faculty of Law
Graduation Ball

Faculté de droit de l'Université McGill
Bal des Fimissants

CHATEAU CHAMPLAIN

1 Place du Canada
Salon Viger
Friday, May 5 1989
Vendredi, 5 mai 1989

Cocktail: 18 h 30
Black tie (optional)
Breakfast: 3 h 30

Dinner/dîner: 19 h 30
Tenue de gala (suggérée)
Déjeuner: 3 h 30

COMMON ROOM

40.00\$ per person/ par personne

Billets disponibles auprès des personnes suivantes:

Tickets available from:

Josée Noisieux, Catherine Immer, Paule Hamelin, Ali Argum,
Norbert Haensel, Anthony Fata, Kevin Kyte, Hélène Tessier.

Two Solitudes?

by Carole Dastous, B.C.L. I

During my interview for admission to the Faculty of Law of McGill University, I explained that not only was I bilingual but also bicultural. That although a French Canadian by birth, I had elected to study, work and live almost exclusively in English, for a period of about ten years.

Neither of the Two Solitudes held any mystery for me, or so I thought. I was fluent in both cultures, you might say.

Les Misérables de Victor Hugo? (I read *Notre Dame de Paris* last summer); ou bien le dernier roman d'Alice Parizeau? *Le Devoir* du Samedi? Like Kant, I awake from my dogmatic slumber, to find that there is only time enough for Baudouin and *Les Obligations*.

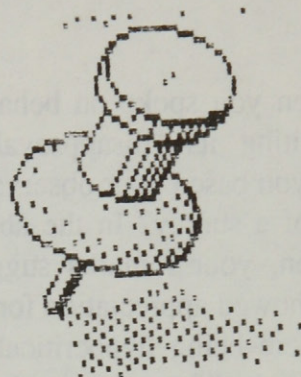
In retrospect, it would seem that the view of languages and culture which I was nurturing was decidedly rationalist: the form of things has always interested me more than their actual manifestation. The notions of worldview and Weltanschauung, for instance, were of particular interest to me. These are notions which refer to culture in a very broad sense of the term.

It is possible that it was this rationalist view of culture which allowed me to float contentedly between Canada's Two Solitudes. Add to this my impression that the anglophone community, on the one hand, was welcoming and on the other hand, never posed a threat to my French Canadian origins and culture. The implication is, of course, that while we may have a problem with the anglophone community, it may not have one towards us.

In any event, I think now that a rationalist view of culture and my own French Canadian background are not mutually exclusive. To be bilingual and bicultural by no means implies renouncing either one of the cultures.

My point is that, although quite unwittingly, I may have become fluent not so much with

both languages and cultures as with both solitudes: which is what our two cultures are if you conceive of them discreetly rather than empathically, as I have attempted to do.

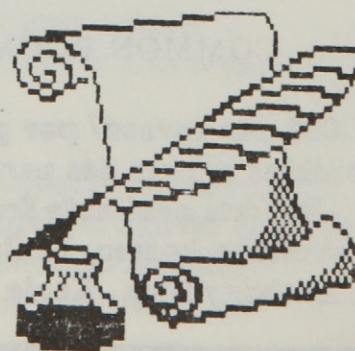


Lets' talk...
cont'd from p. 5

possible information before making a choice. Do we really need that answering machine; do we really need to be sure that we received every last possible message?

Southern Europeans have an institution called the "Siesta". Siesta means that in the afternoon you head for a cool spot in the shade with some friends. There you eat a lot, drink a lot and you communicate. You don't talk. You share thoughts, feelings and express emotions. You empathize, sympathize and commiserate. We have a lot to learn from southern Europeans.

The point? Trash the cellular phone, trash the answering machine and the fax machine. Cancel the call-gymnastics. Grab a friend and be merry. And share a few thoughts. If your broker calls while you're out, tough bananas! Life isn't perfect. Let's not kill ourselves trying to make it perfect. Believe me, we will all live a lot longer for it!



The Second Language Requirement
cont'd from p. 9

little opportunity to acquire French.

At one level, the second language requirement would be fairer than the current system. Quebec students applying to the Faculty are presently at an advantage over outside applicants in that they typically know they do really need French to get through the McGill program.

Most importantly, the second language requirement need not and should not erect barriers. As presently conceived, the requirement would oblige students coming to McGill to commit themselves to acquiring the necessary competence in French. The current proposal would allow students to fulfill the requirement at any time within their three or four year stay at the Faculty. Provision could (I would argue *should*) also be made for students to take a concurrent language course for transfer credit. A third credit (non-law) transfer could not be said to compromise the integrity of a 95 credit program.

The requirement also seems justified if we remember that law students have a talent for language, for learning language - language is the lawyer's primary tool. In the final analysis, law school is by nature discriminatory. Law school necessarily discriminates, yet it must discriminate for good reason.

ONE LAST WORD FROM THE *Quid* / UN DERNIER MOT DU *Quid*

This is the last issue of the *Quid* for the year, and the staff at the *Quid* would like to take this opportunity to wish you all the best of luck in the upcoming exams. And from those of us who are graduating ... it's been fun ... and, see you in court! C'est déjà le dernier numéro du *Quid* pour l'année 1988-89 et l'équipe du *Quid* tient à vous souhaiter bonne chance dans vos examens. Et pour ceux d'entre nous qui terminent cette année...on se reverra en cour!